

1:19 cv 377

George Willie Buford, III
in eyre

Apostille No.: A2009-5853
Convention de la Haye
du 5 Octobre 1961

[UNDER DURESS]

Fed. Reg. No.: 30024 -074
Federal Correction Complex
Allenwood - USP
Post Office Box 3000
White Deer [near 17887-3000], PA
United States of America

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

George Willie Buford, III
Plaintiff, Pro Se,

:
:
:

Case No.: 1:19 cv 377

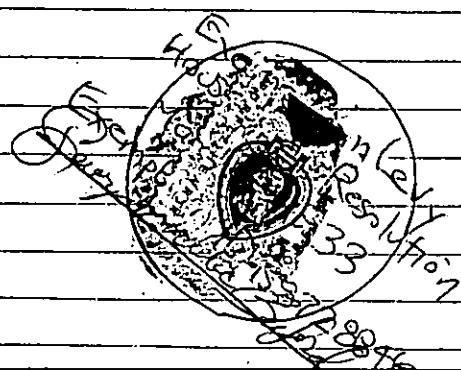
: Judge:

: Magistrate:

GENE BEASLEY, ET AL.,
In Their Individual AND OFFICIAL
capacities,
DEFENDANTS.

: EMERGENCY PETITION

COMPLAINT FOR THE DEPRIVATION OF CONSTITUTIONAL
RIGHTS PURSUANT TO TITLE 28 U.S.C. § 1331



To: Chief United States District Judge:

ON AND FOR THE RECORD OF THESE PROCEEDINGS:
COMES NOW Your Humble Plaintiff George Willie Buford,
(hereinafter "Plaintiff" or "Buford," as the context may
from time to time dictate), and FILES this Complaint for
the Deprivation of Constitutional Rights arising under
Title 28 U.S.C. § 1331 (referencing Title 18 U.S.C. §§ 241,
242, 371, 1001, 1621, 1961, 4042, etc.)

Statement of the Parties:

A. Plaintiff:

Plaintiff is a Justice In Itinere, an American National, as evidenced by Apostille No. : A2009-5853 as CERTIFIED through The Hague Convention of du 5 Octobre 1961 to the Government of the United States and on file in The Office of the Secretary of State of the State of Indiana under such Apostille No. Justice Buford is unlawfully being held by the Government of the United States (Title 28 U.S.C. § 3002(15)(A); Organic Act of 1871 and U.C.C. § 9-307(h)) under the claim that Justice Buford violated Title 18 U.S.C. § 924(c)(1)(A)(ii) in June 1998, when in law and fact, Title 18 U.S.C. § 924(c)(1)(A)(ii) was NOT enacted into positive law until 3 November 1998. He is unlawfully held by defendants, under consent of design and misprision of felony, in the Middle District of Pennsylvania. Title 18 U.S.C. §§ 4 and 2382.

B. DEFENDANTS:

The below-listed DEFENDANTS are herein sued in their individual and OFFICIAL CAPACITY(IES), as DEFENDANTS and aliened ONLY in their individual capacity(ies) under Rule 64 Federal Rules of Civil Procedure

DEFENDANT RISCHEL is a United States Penitentiary (hereinafter "U.S.P.") Allenwood Health Services Department staff member.

DEFENDANT CHRISTOPHER TRUMP is a U.S.P Allenwood Health Services Department (hereinafter "HSD") staff member.

DEFENDANT JENNIFER HOLZAPPLE is an UNCERTIFIED USP Allenwood HSD Physician's Assistant.

DEFENDANT BROOKE WOODS is a CERTIFIED USP Allenwood HSD Physician's Assistant.

DEFENDANT J. BENNETT-MEEHAN is a CERTIFIED United States Public Health Services (hereinafter "USPHS") Physician's Assistant on post at USP Allenwood.

DEFENDANT A. PEDRO is a CERTIFIED USPHS Physician's Assistant on post at USP Allenwood.

DEFENDANT JOHN DOE DUTY OFFICER is the male Duty Officer seen on the CCTV on ALP SHU A-Range stopping and engaging in conversation at ALP SHU A-Range cell #117 the week of 19 February 2019.

DEFENDANT I. W. BASTIAN is a Unit 3 Counselor at USP Allenwood.

DEFENDANT BIRDSALL is a Unit 3 Case Manager at USP Allenwood.

DEFENDANT GENE BEASLEY is the Warden Custos Maritimarum of USP Allenwood.

THE ABOVE DEFENDANTS ARE HEREBY
SUITED IN THEIR INDIVIDUAL AND OFFICIAL
CAPACITY(IES) AND ALIENED ONLY IN
THEIR INDIVIDUAL CAPACITY(IES).

Statement of FACTS:

Plaintiff, a Justice In Itinere, unlawfully held by

DEFENDANT GENE BEASLEY (hereinafter "BEASLEY") in concert of design with others, both known and unknown to Plaintiff as of the date of this writing, acting and/or purporting to act under grant of official authority from the Government of the United States, was taken to USP Allenwood Special Housing Unit (hereinafter "SHU") from the general prison population on or about Saturday, 16 February 2019. Plaintiff informed DEFENDANTS CHRISTOPHER TRUMP (hereinafter "TRUMP") and RISCHEL (hereinafter "RISCHEL") that he suffered ruptured blood vessels in the inner eye (left) following an officer slamming Plaintiff's face into the ground.

Though there was the above complaint of internal bleeding and cuts and abrasions to the left eye, Plaintiff was taken to the SHU without emergency care as contemplated by Title 28 CFR § 541.32(a) and Federal Bureau of Prisons (hereinafter "FBOP") Program Statement #52.70.11.

Later, 16 February 2019, TRUMP brought Plaintiff some of his prescribed medications:

Indometacin Omeprazole glipizide Metformin
Doxazosin Lisinopril Pioglitazone

TRUMP, along with (and in concert of design with) RISCHEL, did knowingly, intentionally and deliberately withhold from Plaintiff the following medications:

• Carvedolol • Oxcarbazepine • Verapamil
• Vitamin A E D Ointment

These are prescribed medications.

TRUMP and RISCHEL, as USP Allenwood HSD staff on duty on 16 February 2019, also withheld from Plaintiff:

Embolism stockings AND Medical shoes

This overt act was done in direct contravention of FBOP Program Statement #5270.11 § 13(a) ("While in SHU inmates may continue taking their prescribed medications.") ALL the above was prescribed to Plaintiff.

Because 16th, 17th and 18 February 2019 was Presidents' Day weekend, Plaintiff, on 19 February 2019, placed a Sick Call in ALP SHU A-Range Cell #117 door under the everwatchful gaze of ALP SHU A-Range closed-circuit video (CCTV). The CCTV footage captures DEFENDANT J. BENNETT-MEEHAN (hereinafter "BENNETT-MEEHAN") removing the Sick Call from the cell door and continuing down the range without even looking in the cell or stopping to medically assess Plaintiff. DEFENDANT BROOKE WOODS (hereinafter "WOODS") is also seen in the same footage passing Cell # 117 without stopping. This also violates Title 28 CFR § 541.32(a) (Medical Care. A health services staff member will visit you daily to provide necessary medical care. Emergency medical care is always available.)

On 19 February 2019, Plaintiff stopped DEFENDANT JOHN DOE DUTY OFFICER (hereinafter "DUTY OFFICER") and informed him that HSD refused to see Plaintiff. DUTY OFFICER can be seen on the CCTV stopping at Cell #117 and then, after a brief discussion (he told Plaintiff "That's a medical issue" as if Plaintiff did not, himself, know it was a medical issue), leaving.

On 19 February 2019, Plaintiff asked DEFENDANT BIRDSDALL (hereinafter "BIRDSDALL") for an Informal Resolution Form ("BP-8") as the BP-8 is REQUIRED to begin the Administrative Remedy process contemplated by the Prison Litigation Reform Act (hereinafter "PLRA") of Title 42 USC § 1997e(a). BIRDSDALL said he didn't have any.

On or about 19 February 2019, Plaintiff asked DEFENDANT W. BASTIAN (hereinafter "BASTIAN") for a BP-8.

BASTIAN claimed he did not have a BP-8 but that he would send one. As of the date of this writing Plaintiff has not received a BP-8.

On 20 February 2019, Plaintiff put another Sick Call in Cell #117. On that date, DEFENDANT A, PEDRO (hereinafter "PEDRO") is captured on ALP SHU A-Range CCTV removing the Sick Call out of Cell #117 and continuing off the range, without stopping.

On 20 February 2019, Plaintiff wrote DEFENDANT GENIE BEASLEY (hereinafter "BEASLEY") a letter detailing the conditions of confinement and unavailability of administrative remedy. BEASLEY did not respond.

On 20 February 2019, Plaintiff was taken to a local emergency room. The doctors ("Cooney" and "Dix") referred Plaintiff to an ophthalmologist ("Dr. Joshi") who confirmed blood in the posterior of the left eye. Dr. Joshi prescribed Artificial Tears and returned Plaintiff to USP Allenwood.

On 21 February 2019, Plaintiff placed a Sick Call in Cell #117, requesting the prescribed Artificial Tears and the other medication (Carvedolol, Oxcarbazepine, Verapamil and Vitamin A & D Ointment) and medical equipment (Ebolism stockings and Medical shoes). DEFENDANT JENNIFER HOLZAPPLE (hereinafter "HOLZAPPLE") is captured on the ALP SHU A-Range CCTV removing the Sick Call from Cell #117 without stopping.

Statement of CLAIM:

DEFENDANTS RISCHI, TRUMP, HOLZAPPLE, WOODS, BENNETT-MEEHAN and PEDRO have knowingly, deliberately and capriciously conspired to deprive this Plaintiff of the Eighth Amendment's right to be free from Cruel and Unusual Punishment through the Deliberate Indifference to Serious Medical Need by intentionally withholding of prescribed medication and equipment.

DEFENDANTS BASTIAN and BIRDSALL, both Unit 3 Unit Team members, knowingly and with specific scienter, did conspire, amongst themselves and with others - both known and unknown to Plaintiff as of the date of this writing, intentionally and deliberately interfere with Plaintiff's First Article In Amendment's right to enjoy Access to the Courts and to Petition the Government for A Redress of Grievances by failing/refusing to provide Plaintiff administrative remedy as mandated by Act of Congress in Title 42 U.S.C. § 1997e(a) and FBOP Program Statement # 1330.17.

DEFENDANTS BEASLEY and DUTY OFFICER, as employees/officials of the Government of these UNITED STATES have an on-going affirmative duty to protect Plaintiff from the unconstitutional and illegal act(s)/omission(s) of other governmental act-or(s) when such act(s)/omission(s) are brought to their attention. NEITHER BEASLEY or DUTY OFFICER are herein sued under a theory of respondent superior. Rather, both BEASLEY and DUTY OFFICER are herein sued under their duty to protect Plaintiff, mandated by Act of Congress, codified at Title 18 U.S.C. § 4042, which is an altogether DIFFERENT theory of liability than that under the doctrine of respondent superior. ONCE THEY WERE NOTIFIED OF THE UNLAWFUL TREATMENT BY GOVERNMENTAL ACTORS, BEASLEY AND DUTY OFFICER WERE BOUND BY 18 U.S.C. § 4042 AND 5 U.S.C. § 3331 TO ACT TO PROTECT PLAINTIFF FROM SUCH UNLAWFUL TREATMENT.

Liberal Construction:

Plaintiff would humbly ask this Honorable Court to liberally construe this Complaint and dismiss ONLY if it appears

that Plaintiff can prove NO set of facts that would entitle him to the relief he seeks.

Request for Relief:

A. Protection from Reprisal:

Because this Plaintiff is, in law and fact, incarcerated in violation of the Constitution and Laws of these United States, there is special impetus to act to preserve life and limb. Plaintiff hereby ASKS for this Court's protection as two (2) of the DEFENDANTS have already threatened to place tuberculosis (HOLZAPPLE) and botulism (PEDRO) in Plaintiff's insulin syringe (as is evidenced by the United States Department of Justice [D.O.J.] record maintained in the Office of Inspector General [OIG] requiring Plaintiff to forego insulin injections for over one (1) calendar year as of the date of this writing). The lawlessness tacitly authorized by DEFENDANT BEASLEY has created an unsafe environment wherein a prisoner (any prisoner), whether lawfully or unlawfully imprisoned, is in genuine and definite danger of loss of life or limb at the hand of rogue governmental actor(s) utilizing force, violence and intimidation to prevent meritorious claims against USP Allenwood staff from being reviewed in direct violation of Program Statement #3420.11, Attachment A and Title 5 U.S.C. § 3331; title 18 U.S.C. § 1961 etc.

PLAINTIFF FEARS FOR HIS LIFE AND SAFETY.

3. Medical Care:

Plaintiff humbly ASKS that this Court ENJOIN the DEFENDANTS, and those working in concert or design therewith, from withholding his prescribed medications. He has been without Oxcarbazepine, a seizure medication; Verapamil, a hypertension medication; Carvedolol, a cholesterol-

erol-lowering drug; Vitamin A & D Ointment, used to smooth the skin of the feet, to prevent microscopic fissures, that could become infected and lead to amputation (a serious concern for diabetics); Embolism stockings (to prevent blood clots in the lower legs and feet); and medical shoes to treat diabetic foot neuropathy; since 16 February 2019, suffering seizures, headaches and pain in the lower extremities.

(i) Entitled to TRO/PI as a Matter of Law:

Plaintiff is entitled to a TRO/PI as a matter of law when governmental actors conspire to deprive him of rights and privileges guaranteed by the Constitution or Acts of Congress.

(ii) Absence of Harm to the Adverse Party:

The Government of the UNITED STATES is not at liberty to conspire to commit unlawful acts. Further, the UNITED STATES is not a general government; it is confined to those powers specifically enumerated in the Constitution and such Acts of Congress made pursuant thereto. As such, the Adverse Parties will NOT be harmed by a TRO/PI enjoining the DEFENDANTS to a lawful course of conduct.

(iii) Ultimate Success On The Merits:

It is black-letter law that governmental actors may NOT conspire to deprive constitutional rights. Furthermore, it is a proposition so axiomatic to the concept of ordered liberty and the Rule of Law as to be unquestionable that in a government of laws the government is as subject to the letter and spirit of the law as the ordinary Citizen. As such, Plaintiff will ultimately succeed on the merits of his claim(s) because they are true and the

DEFENDANTS, and those acting in concert or design therewith, can put forth NO legitimate penological objective (of course, they'll scream "security," but the claim of security is NOT a magis talisman absolving governmental actors) of the affirmative duty to act in accordance with the Constitution and Laws of the UNITED STATES) which could be furthered by their conspiratorial and unlawful conduct.

(iv) Public Interest:

The Public Interest is best served by granting this particular Plaintiff a TRO/PI as a matter of ensuring the maintenance of the Constitutional Republic envisioned by our Framers in the Constitution. This Nation was founded as a defense against tyranny and oppression and that such ideal(s) be preserved inviolate, our Constitution was written. It is in the Public Interest to extinguish the flames of tumult caused by rogue elements within our government before they can spread from shore to shore, transforming the landscape from a Constitutional Republic to a demoralized mobocracy.

PLAINTIFF IS ENTITLED TO A TRO/ PI

c. JURY DEMAND:

Plaintiff hereby DEMANDS a trial by a properly- empanneled jury on ALL triable issues related to this Complaint.

d. Monetary Damages:

Plaintiff seeks compensatory damages from these DEFENDANTS, jointly and severally, in the amount of \$75,000.00

(seventy-five thousand U.S. dollars).

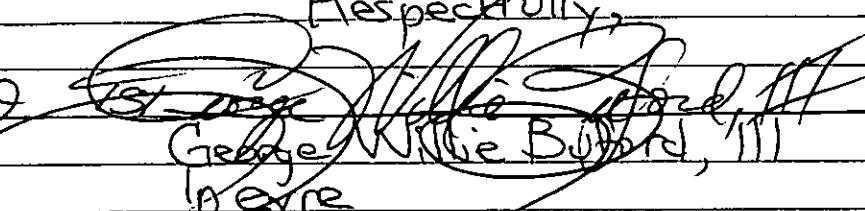
Plaintiff seeks punitive damages in the amount of \$225,000.⁰⁰
(two hundred twenty-five thousand US dollars) from the DEFENDANTS
jointly and severally.

CONCLUSION

WHEREFORE, Plaintiff humbly asks this Honorable Court
to liberally construe this Complaint as an emergency petition
relating to life and limb (literally) and to provide ALL requested
relief and any and all other relief this Court may deem fitting
and proper.

Respectfully,

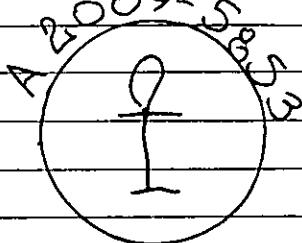
24 February 2019
(date)


George Willie Brown, III

In re
Convention de la Haye
Apostille No.: A2009-5853
du 5 Octobre 1961

Apostille No.:

UNDER DURESS 1



In Itinere

Fed. Reg. No.: 30024 -074
Federal Correction Complex
Allenwood - USP
Post Office Box 3000
White Deer, PA
17887-3000
United States of America



INMATE NAME/NUMBER: George Willie Biford III
FEDERAL CORRECTIONAL COMPLEX-ALLENWOOD [300034-0747]
P.O. BOX 3000 CJSO
WHITE DEER, PA 17887

ATTN: CLERK OF COURT
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
234 N. WASHINGTON AVENUE
SCRANTON, PA
18105

RECEIVED
SCRANTON

MAR 05 2019

PER [Signature]
DEPUTY CLERK
T.J.S. [Signature]

35 C.R. 93-000137

LEGAL MAIL